

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

The revisions, including a revised CalARP fee methodology, and the changes in penalties for non-payment, late submittals, and operating without a permit, to be authorized under the proposed ordinance will accomplish the following:

1. Allocate fees based on program cost, staffing requirements, the time and activity needs to properly administer each program and each fee group, and the number of facilities falling under each fee group.
2. Promote full cost recovery for the Hazardous Waste Generator and Hazardous Materials Handler Programs, which includes investigation, site mitigation, and emergency operations services.
3. Enhance fee collection efforts and promote compliance by revising the penalties for non-payment, operating without a permit, and failure to submit required information.

A key element in full cost recovery requires businesses to file a permit application and pay the necessary fees prior to commencing operations. This will ensure all regulated businesses pay their fair share of the program implementation costs and ensure new businesses come into compliance with program requirements.

The CalARP fee methodology revision will standardize fee methodologies across all programs, reduce the staff time to determine annual permit fees, and promote automation of the billing process. Revising the fee method will reduce costs and promote more efficient billing practices.

Enhanced fee collection efforts are being employed to ensure all businesses subject to program requirements are paying appropriate fees and not placing an unfair burden on those businesses that are in compliance. Changes in the penalty amounts for operating without a permit and non-payment will provide the tools necessary to encourage and promote compliance.

IMPLEMENTATION OF STRATEGIC PLAN GOALS:

Fiscal Responsibility: Adoption of the proposed ordinance will facilitate full cost recovery for all hazardous materials/waste programs administered by the District, allocate costs

in a fair and equitable manner to the regulated community, and promote compliance from every business subject to program requirements. The ordinance will reduce costs by standardizing fee methodologies for all programs and facilitate the billing process for the single fee system mandated by the Unified Program.

FISCAL IMPACT/FINANCING:

The proposed revisions will facilitate full recovery of the reasonable and necessary costs to implement the programs. The ability of the District to collect fees from all businesses falling under hazardous waste and hazardous materials program requirements will be enhanced by requiring businesses to first apply for and pay permit fees before starting operations. Operating without a permit penalty provisions and late submittal penalties will further enhance the ability of the District to collect permit fees from all regulated businesses and encourage compliance.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

The fee revisions will be effective in all areas under the jurisdiction of the Los Angeles County Certified Unified Program Agency (CUPA) for Fiscal Year 2005-06. Invoices for these facilities will be generated and mailed throughout the fiscal year. The Cities of Los Angeles and Santa Monica will generate annual fee invoices in July 2005 for Fiscal Year 2005-06 for the Hazardous Waste Generator Program and are awaiting any changes in our fee schedule.

California Health and Safety Code Sections 25404.5(a)(2) and (3) grant authorization to the governing body of the local CUPA to establish fees to recover reasonable and necessary program costs.

The Auditor-Controller has reviewed and approved the cost basis and fee adjustments.

This request for approval of the revised fees is made after compliance with all public notification and hearing requirements as specified in Sections 6062(a) and 66018 of the Government Code.

ENVIRONMENTAL DOCUMENTATION:

The annual adjustments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the CEQA Guidelines, because they involve fees to recover operating costs.

The Honorable Board of Supervisors
June 28, 2005
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IMPACT ON CURRENT SERVICE (OR PROJECTS):

The approval of the ordinance will serve to establish the reasonable and necessary fees for Fiscal Year 2005-06, facilitate the billing process mandated by the Unified Program, and promote full recovery of program implementation costs. The ordinance changes fairly allocate program costs to regulated facilities, strengthen permit fee collection efforts, reduce billing-related costs, and encourage compliance from all regulated businesses.

CONCLUSION:

Please return the adopted stamped copy of the letter and attachments to Bill Jones, Chief, Health Hazardous Materials Division, 5825 Rickenbacker Road, Commerce, CA 90040.

Respectfully submitted,

P. MICHAEL FREEMAN

PMF:ml

Attachments

c: David E. Janssen, Chief Administrative Officer
Violet Varona-Lukens, Executive Officer
Vicky Santana, Deputy
Randi Tahara, Deputy
Joseph Charney, Deputy
Rick Velasquez, Deputy
Sussy Nemer, Deputy
Auditor-Controller
County Counsel

FEE CHANGES FOR FY 05-06

Hazardous Waste Generator Annual Fees				
Fee Category	Description	Current Fee	Proposed Fee	Change
1000	Silver Waste	\$220	\$241	\$21
1001 / 1101	0-5 Employees	\$439	\$483	\$44
1002 / 1102	6-19 Employees	\$611	\$678	\$67
1003 / 1103	20-100 Employees	\$866	\$927	\$61
1004 / 1104	101-500 Employees	\$1,268	\$1,348	\$80
1005 / 1105	>500 Employees	\$2,124	\$2,307	\$183
Tiered Permit Annual Fees				
Fee Category	Description	Current Fee	Proposed Fee	Change
CE	Conditionally Exempt	\$109	\$116	\$7
CA	Conditionally Authorized	\$747	\$811	\$64
PBR	Permit by Rule	\$1,011	\$1,155	\$144
Hazardous Material Handler Annual Fees				
Fee Category	Description	Current Fee	Proposed Fee	Change
3000	Small Quantity Handler	\$159	\$180	\$21
3001	Minor Handler	\$234	\$261	\$27
3002	Moderate Handler	\$304	\$336	\$32
3003	Major Handler	\$426	\$467	\$41
3004	Major Handler – Large Volume	\$587	\$671	\$84
3005	Major Handler – Complex	\$950	\$1,057	\$107
Hourly Cost Recovery Charges and Miscellaneous Fees				
Emergency Response Initial Fee		\$372	\$404	\$32
Emergency Response Hourly Fee		\$93.02	\$101.07	\$8.05
Site Mitigation Initial Fee		\$1,582	\$1,717	\$135
Site Mitigation Hourly Fee		\$105.47	\$114.45	\$8.98
Re-inspection Fee		\$215	\$285	\$70
Late Submittal Fee		\$230	\$285	\$55

CAL ARP FEES

Fee Group	Risk Unit Range	Facility Count	FY 04-05 Average Fee	FY 04-05 Annual Fee Range	FY 04-05 Average Fee plus estimated RMP review charges	Proposed Fee*
3501	0-<5	119	\$412	\$322-\$531	\$623	\$339
3502	5-<15	92	\$730	\$536-\$938	\$1,153	\$595
3503	15-<50	131	\$1,255	\$938-\$1,872	\$1,889	\$1,070
3504	50-<100	19	\$2,359	\$1,876-\$3,190	\$3,205	\$2,046
3505	100-<250	20	\$4,047	\$3,251-\$5,171	\$5,104	\$3,459
3506	250-<500	7	\$6,762	\$5,395-\$8,417	\$8,031	\$5,579
3507	500-<1,000	5	\$12,749	\$9,235-\$14,218	\$14,335	\$10,100
3508	1,000-<3,000	6	\$18,578	\$15,507-\$22,625	\$20,693	\$15,427
3509	3,000-<10,000	4	\$26,806	\$26,806	\$29,450	\$20,587
3510	>=10,000	1	\$26806	\$26,806	\$29,978	\$25,734

*Proposed category fees based on the FY 03-04 average fee and elimination of hourly RMP review fees.
CalARP annual fees have not changed in over two years.

**NOTICE OF PUBLIC HEARING
PROPOSED FEE SCHEDULE**

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Los Angeles regarding annual fees and late penalties to be paid by businesses generating hazardous waste or handling hazardous materials in Los Angeles County, revisions in the fee methodology for the California Accidental Release Prevention Program, the initial fees and hourly rates to be paid for hazardous material emergency response and site mitigation oversight cost recovery programs, and permit application requirements.

Said hearing will be held on Tuesday, June 28, 2005 at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

The Board of Supervisors will consider the ordinance revising fees, late payment penalties, and permit application requirements for adoption. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call (323) 890-4045.

Si no entiende esta noticia o si necesita mas informacion favor de llamar a este numero (323) 890-4045.

VIOLET VARONA-LUKENS
EXECUTIVE OFFICER – CLERK OF
THE BOARD OF SUPERVISORS

ANALYSIS

The ordinance amends Title 12 - Environmental Protection, of the Los Angeles County Code, to revise fees for the hazardous materials, hazardous waste, and the California Accidental Release Prevention programs; to require new businesses to obtain unified program permits prior to commencing operations; and to revise penalties for non-payment of fees, failure to submit chemical disclosure information, and operating without a permit.

RAYMOND J. FORTNER, JR.
County Counsel

By
ERIC R. YOUNG
Principal Deputy County Counsel
Public Works Division

ERY:ia

04/07/05 (Requested)

04/26/05 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 12 - Environmental Protection, of the Los Angeles County Code relating to unified program permit requirements and hazardous materials and hazardous waste permit fees.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 12.50.060 is hereby amended to read as follows:

12.50.060 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.50.040 and 12.50.050 of this chapter is not paid in full prior to the delinquency date as defined in Section 12.50.055 of this chapter, in addition to such fee(s), the facility or permittee shall pay a late payment penalty equal to 2540 percent of the total assessed fee(s). If payment is made by mail, the date of payment is determined by the postmark date.

SECTION 2. Section 12.50.075 is hereby amended to read as follows:

12.50.075 Permit required.

Every person, business, or business concern within the jurisdiction of the LACoCUPA and subject to the requirements of one or more of the program elements shall be required to apply for, pay the permit fees required by this chapter, and obtain ~~annually~~ from the LACoCUPA a unified program facility permit for the program elements applicable to such facility prior to the commencement of any business or

activity related to any of the program elements. ~~Every person, business or business concern within 30 days after falling under the provisions of one or more of the program elements shall apply for the permit required by this section~~Each such permit shall be annually renewed as provided for in this chapter. The permit required under this section shall be posted and conspicuously displayed at the location falling under the requirements of this chapter.

SECTION 3. Section 12.50.080 is hereby amended to read as follows:

12.50.080 Permit -- Application requirements.

A. Every person, business, or business concern subject to the requirements of one or more of the program elements and not already possessing a unified program facility permit for the program element(s) shall immediately file an application with the chief, upon a form to be provided by the chief, and ~~will subsequently be invoiced for~~pay the required fee(s) assessed pursuant to this chapter, including any state imposed service charges.

B. Every application required by the provisions of this chapter shall be written in a clear and legible manner.

C. Every person preparing any application required by the provisions of this chapter shall sign his true name and give the true name and current address of the applicant and shall attest to the truth and accuracy of the information provided.

D. No person shall make any false statement or representation in any application, record, permit, or other document filed or used for the purposes of compliance with this chapter.

E. If an application for a permit is withdrawn before it has been completely processed by the chief, and the applicant has not engaged in any activity for which the permit is required, the chief shall refund to the applicant 50 percent of the permit fee. No refunds shall be made when the application has been completely processed.

SECTION 4. Section 12.50.085 is hereby amended to read as follows:

12.50.085 Permit -- Period of validity -- Renewals.

~~A. Except as provided in subsections B and C of this section, u~~Unified
program facility permits required by this chapter shall be issued for a period of one year,
~~with the permit year beginning on July 1st, and extending through June 30th of the~~
~~following year.~~ A valid permit shall be renewable from year to year upon payment, on or
before the delinquency date of contained in the invoice for each such year, of the fees
assessed pursuant to Sections 12.50.040 and 12.50.050 of this chapter, or upon
payment of such fees and any late payment penalty imposed pursuant to
Section 12.50.060 of this chapter, provided the facility is in compliance with all
conditions and limitations of such permit.

~~B. Where an initial unified program facility permit is issued to a person,~~
~~business or business concern commencing during a permit year, as defined in~~
~~subsection A above, the annual permit fee for each program element shall be prorated~~
~~on a quarterly basis as follows:~~

~~1. If the activity commences during the months of July, August or~~
~~September, the full permit fee;~~

~~2. If the activity commences during the months of October, November or December, three-quarters of the annual fee;~~

~~3. If the activity commences during the months of January, February or March, one-half of the annual fee;~~

~~4. If the activity commences during the months of April, May or June, one-quarter of the annual fee.~~

~~C. Under a staggered billing program, consolidated unified program facility permits required by this chapter or the billing year associated with the permit may be issued throughout the year on a staggered basis. The permit will cover a period of one year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date of the invoice for each such year, of the fees required by Sections 12.50.040 and 12.50.050 of this chapter, or upon payment of such fees and any late payment penalty imposed pursuant to Section 12.50.060 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Permits or billing invoices, covering a period of time greater or lesser than one year may be issued to facilities being transitioned to a staggered billing or permit system.~~

SECTION 5. Section 12.50.105 is hereby amended to read as follows:

12.50.105 Notice of permit hearing.

If the chief makes a preliminary determination that a person, business₁ or business concern to whom a unified program facility permit has been issued may not be conducting the permitted activities in accordance with applicable statutes, regulations₁

or minimum standards such that permit suspension or revocation may be required or has failed to timely pay the permit fees, the chief shall so notify such person, business, or business concern. The written notice shall briefly describe the violation and specify a time and place of a hearing at which such person, business, or business concern will be afforded an opportunity to present evidence showing there has been no such violation or that the violation has been corrected. The notice shall state that failure to appear and present such evidence may result in suspension or revocation of the permit.

SECTION 6. Section 12.50.112 is hereby added to read as follows:

12.50.112 Operating without a valid permit.

No person, business, or business concern shall engage in, conduct, manage, or carry on any business or other activity for which a unified program facility permit is required under this chapter if:

- A. They have not obtained a unified program facility permit for such business or activity pursuant to the provisions of this chapter and paid the required permit fees and penalties; or
- B. The permit has expired or has been suspended or revoked.

SECTION 7. Section 12.50.115 is hereby amended to read as follows:

12.50.115 Operating without a permit -- Deemed misdemeanor -- Penalty.

Any person who violates the requirements of Sections 12.50.075 or 12.50.100 of this chapter, shall be guilty of a misdemeanor, punishable by fine not to exceed

\$1,000.00, or by imprisonment in the County Jail for a period not exceeding six months, or both. ~~Such fine shall not be more than \$500.00, and shall:~~ pursuant to
Section 1.24.020 A of the county code.

~~A. For the first violation, not be less than \$100.00;~~

~~B. For the second and any subsequent violation, be \$500.00.~~

The provisions of this section are in addition to and independent of any other sanctions, penalties, or liabilities which are or may be imposed under this chapter, state laws, and regulations applicable to the program elements which apply to the facility, other chapters of the county code related to program elements applicable to the person, business, or business concern, or any other provisions of the Act.

SECTION 8. Section 12.50.125 is hereby amended to read as follows:

12.50.125 Violation of injunction -- Civil penalty.

Any person who violates any injunction issued pursuant to Section 12.50.120 shall be liable for a civil penalty payable to the forester and fire warden not to exceed ~~\$250~~1,000.00 for each day of violation of any such injunction.

SECTION 9. Section 12.50.150 is hereby amended to read as follows:

12.50.150 Installment payment system.

LACoCUPA may implement, with the concurrence, where applicable, of the PA to the LACoCUPA, an installment payment system for unified program facilities requesting such service. If any installment payment is delinquent, a ~~25~~40 percent late payment penalty shall be applied to the full amount of the single fee issued pursuant to

Section 12.50.035 of this chapter. If any installment payment is not paid within 120 days of the original invoice date, a certificate of lien may be recorded pursuant to Section 12.50.065 of this chapter.

SECTION 10. Section 12.50.160 is hereby added to read as follows:

12.50.160 Actions to collect permit fees.

The county treasurer tax collector may bring suit for the recovery of any permit fee or late payment penalty required by this chapter imposed against any person, business, or business concern.

SECTION 11. Section 12.52.020 is hereby amended to read as follows:

12.52.020 ~~Hazardous waste license~~Unified program facility permit required.

Every person, business, or business concern within the jurisdiction of the ~~Los Angeles County Certified Unified Program Agency~~LACoCUPA in accordance with the provisions of Chapter 6.11 of Division 20 of the California Health and Safety Code which is a hazardous waste generator or which is handling hazardous waste, except solely as a transporter, or except when engaging in other handling of hazardous waste the permitting and regulation of which is within the sole jurisdiction of the state or federal government, shall be required annually to obtain from the ~~forester and fire warden~~LACoCUPA a ~~Los Angeles County hazardous waste license~~unified program facility permit in accordance with Chapter 12.50 of this code. Every person, business, or business concern ~~within 30 days of~~ shall apply for the unified program facility permit

~~and pay any permit fees as required by this chapter before generating or handling a hazardous or extremely hazardous waste shall apply for the license required by this section.~~ The ~~license~~permit required under this section shall be posted and conspicuously displayed at the location where the hazardous waste is generated or otherwise handled.

SECTION 12. Section 12.52.025 is hereby amended to read as follows:

12.52.025 ~~License~~Permit -- Application requirements.

Every person, business, or business concern applying for the ~~hazardous waste license~~unified program facility permit required by this chapter shall file an application with the chief, upon a form to be provided by the chief, in accordance with the provisions of Chapter 12.50 of the county code and ~~will subsequently be invoiced for pay~~ the required fee and ~~late fee, if any~~ late payment penalty.

SECTION 13. Section 12.52.040 is hereby amended to read as follows:

**12.52.040 ~~License~~Permit -- Period of validity -- Renewals -- ~~Fee~~
~~proration.~~**

~~A. Except as provided in subsections B and C of this section, hazardous waste licenses~~Unified program facility permits for the hazardous waste program element required by this chapter shall be issued for a period of one year, ~~with the license year beginning on July 1st, and extending through June 30th of the following year.~~ ~~Such licenses~~A valid permit shall be renewable from year to year upon payment, on or before the delinquency date ~~of~~contained in the invoice for each such year, of the

~~fees required by~~assessed pursuant to Section 12.52.070 of this chapter, or upon payment of such fees plus any late fees~~payment penalty imposed pursuant to Section 12.52.080 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit.~~

~~B.——Where an initial hazardous waste license is issued to a person, business or business concern commencing during a license year, as defined in subsection A above, the license fee shall be:~~

~~1.——If the activity commences during the months of July, August or September, the full annual fee;~~

~~2.——If the activity commences during the months of October, November, or December, three quarters of the annual fee;~~

~~3.——If the activity commences during the months of January, February, or March, one half of the annual fee;~~

~~4.——If the activity commences during the months of April, May or June, one quarter of the annual fee.~~

~~C.——Unified program facility permits issued in accordance with Chapter 12.50 of the county code shall include hazardous waste licenses. The period of validity and renewal requirements for such permits shall be governed by Chapter 12.50 of the county code.~~

SECTION 14. Section 12.52.060 is hereby amended to read as follows:

12.52.060 ~~Temporary activity licensing procedures~~Operating without a valid permit.

~~A. Notwithstanding Section 12.52.040, if the applicant for a license under this chapter shows to the satisfaction of the chief that because a business or occupation or other activity is of a seasonal nature, or because of statutory or ordinance regulations or restrictions, or because of termination or loss of lease, or because of acquisition by the public of the premises on which the occupation or business or other activity is situated, or because of similar reasons, such business, occupation or activity can only be carried on for a limited period of time, not more than three quarters of a year, a license may be issued for such period of time and the license fee shall be the following fraction of the annual fee:~~

- ~~1. One quarter of a year or less -- one-fourth of annual fee;~~
- ~~2. More than one quarter but not more than one half of a year -- one-half of annual fee;~~
- ~~3. More than one half but not more than three quarters of a year -- three-fourths of annual fee.~~

~~B. Such license may be issued for the limited period without regard to fiscal years.~~

No person, business, or business concern shall engage in, conduct, manage, or carry on any business or other activity for which a unified program facility permit is required under this chapter if:

A. They have not obtained a unified program facility permit for such business or activity pursuant to the provisions of this chapter and paid the required permit fees and penalties; or

B. The permit has expired or has been suspended or revoked.

SECTION 15. Section 12.52.065 is hereby amended to read as follows:

**12.52.065 ~~Terms and scope of hazardous waste license~~Operating
without a permit -- Deemed misdemeanor -- Penalty.**

~~The hazardous waste license application on file with the forester and fire warden shall identify the date issued, the kind of business for which issued, the specific activity for which issued, the specific location or locations at which such activity is to be conducted or operated, and the person, business or business concern to whom the license is issued. The license shall be valid only for the identified activities conducted or operated at the identified locations by the identified persons. If a person, business, or business concern changes activity such that hazardous waste is no longer generated or handled and a valid hazardous waste license would no longer be required, the person, business or business concern shall notify the chief in writing within 30 days of the change and that a license is no longer required. If a person, business or business concern holding a valid hazardous waste license adds activities involving generation or handling of hazardous waste, the chief shall be notified in writing within 30 days that the activities have been added.~~

Any person who violates the requirements of Section 12.52.020 of this chapter shall be guilty of a misdemeanor, punishable by fine not to exceed \$1,000.00, or by imprisonment in the County Jail for a period not exceeding six months, or both, pursuant to Section 1.24.020 A of the county code.

The provisions of this section are in addition to and independent of any other sanctions, penalties, or liabilities which are or may be imposed under this chapter, state laws, and regulations applicable to the program elements which apply to the facility, other chapters of the county code related to program elements applicable to the person, business, or business concern, or any other provisions of the Act.

SECTION 16. Section 12.52.070 is hereby amended to read as follows:

12.52.070 Fees to be paid by hazardous waste generators.

A. Beginning with the 2000~~5~~-2004~~6~~ fiscal year, the annual fee, for the issuance of a unified program facility permit for the hazardous waste ~~license, program element~~ required to be paid to the forester and fire warden by every person, business, or business concern generating or handling a hazardous or extremely hazardous waste shall be as follows:

Fee Group	Number of Employees	Annual Fee
1	0 to 5	\$364 <u>483</u> .00
2	6 to 19	502 <u>678</u> .00
3	20 to 100	706 <u>927</u> .00

4	101 to 500	4,029 <u>1,348</u> .00
5	501 or more	4,725 <u>2,307</u> .00

Exception :

Every person, business, or business concern generating or handling a hazardous waste which is hazardous solely due to the presence of silver and which generates no other hazardous wastes shall be charged a fee equal to one-half the amount of the fee Group 1 fee. Beginning with the ~~2000~~2005-~~2004~~2006 fiscal year, this fee shall be ~~\$182~~241.00.

B. Beginning with the ~~1999~~2005-~~2000~~2006 fiscal year, the annual fee ~~for a hazardous waste generator conducting treatment~~, required to be paid to the forester and fire warden by every person, business, or business concern that is a hazardous waste generator conducting treatment of hazardous waste under the Act shall be based on the highest tier of permit required in descending order as follows:

Permit Tier	Annual Fee
(1) Permit by Rule (PBR)	\$1,012 <u>1,155</u> .00
(2) Conditional Authorization (CA)	747 <u>811</u> .00
(3) Conditional Exemption (CE)	409 <u>116</u> .00

C. Every hazardous waste generator that has been issued a notice of violation as specified in Section 12.52.015 O of this chapter and has failed to correct the violation(s) or deviation(s) by the correction date as set forth in the notice of

violation may be charged a reinspection fee for each reinspection required to verify compliance with the notice of violation. Beginning with fiscal year ~~1999~~2005-20006, the reinspection fee shall be \$~~215~~285.00.

D. Beginning with the 2000-2001 fiscal year, the schedule of fees contained in this section may be adjusted annually by the following procedures:

1. Hazardous Waste Generator Fees. Hazardous waste generator fees shall be determined based on the annualized cost to the forester and fire warden to administer the hazardous waste generator program, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the hazardous waste generator program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller. The annualized cost shall be reallocated among hazardous waste generators based upon the number of hazardous waste generators in each fee group.

2. Tiered Permit Fees. Tiered permit fees shall be determined based on the annualized cost to the forester and fire warden to administer the tiered permit program, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the tiered permit program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller. The annualized cost shall be reallocated among hazardous waste generators conducting treatment of hazardous waste under the tiered permit program based upon the number of permittees in each fee group.

3. Reinspection Fees. Reinspection fees shall be determined based on the annualized cost to the forester and fire warden to conduct reinspections of hazardous waste generators, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to conduct reinspections of hazardous waste generators calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller, divided by the annual number of reinspections conducted.

SECTION 17. Section 12.52.080 is hereby amended to read as follows:

12.52.080 License~~Permit~~ -- Penalty for late fee payment.

If any fee required to be paid pursuant to Sections 12.52.040, 12.52.060 or 12.52.070 of this chapter is not paid in full prior to the delinquency date as defined in Section 12.52.075 of this chapter, in addition to such fee, the applicant shall pay a late fee equal to ~~25~~40 percent of the total assessed fee(s). If payment is made by mail, the date of payment is determined by the postmark date.

SECTION 18. Section 12.52.100 is hereby amended to read as follows:

12.52.100 Violation of injunction -- Civil penalty.

Any person who violates any injunction issued pursuant to Section 12.52.095 shall be liable for a civil penalty payable to the forester and fire warden not to exceed ~~\$250~~1,000.00 for each day of violation of any such injunction.

SECTION 19. Section 12.56.060 is hereby amended to read as follows:

12.56.060 Late payment.

If any charge required to be paid pursuant to this chapter is not paid prior to the 31st day after the date of the first invoice requesting payment of the charge, in addition to such charge, the person shall pay a penalty equal to ~~25~~40 percent of the charge. Date of payment is determined by postmark date.

SECTION 20. Section 12.60.060 is hereby amended to read as follows:

12.60.060 Late payment.

If any fee required to be paid pursuant to this chapter is not paid prior to the 31st day after the date of the first invoice requesting the fee, in addition to such fee, the applicant shall pay a penalty equal to ~~25~~40 percent of the total assessed fee(s). Date of payment is determined by postmark date.

SECTION 21. Section 12.60.070 is hereby amended to read as follows:

12.60.070 Misdemeanor violation.

Any person who violates ~~Any person who violates~~ of any provision of Sections 12.60.020 through 12.60.040 inclusive, shall be guilty of a misdemeanor, punishable by fine not to exceed \$1,000.00, or by imprisonment in the county jail for a period not exceeding six months, or both pursuant to Section 1.24.020 A of the county code. ~~Such fine shall not be more than \$500.00, and shall:~~

~~A. For the first violation, not be less than \$100.00;~~

~~B. For the second and any subsequent violation, be \$500.00.~~

The provisions of this section are in addition to and independent of any other sanctions, penalties, or liabilities which are or may be imposed under this chapter or any other provisions of the hazardous waste control laws.

SECTION 22. Section 12.64.030 B is hereby amended to read as follows:

. . .

B. Every business which handles regulated substances shall be required to submit ~~annually~~, by the due date established by the administering agency, a registration form and/or certification statement to the administering agency in accordance with the regulations adopted pursuant to Section 25534.05 of the Act and the requirements of the administering agency pursuant to Section 25534.5 of the Act.

. . .

SECTION 23. Section 12.64.040 is hereby amended to read as follows:

12.64.040 Annual fees to be paid by handlers of hazardous materials.

Beginning with the 20045-20026 fiscal year, the annual fee required to be paid to the forester and fire warden by every handler of hazardous materials for the administration and enforcement of the provisions of the Act shall be as follows:

Fee Group	Total Quantity of Hazardous Materials Handled at Any One Time During the Reporting Year	Annual Fee
I	<p>Small Quantity Handler</p> <p>55 -- 500 gallons or</p> <p>500 -- 5,000 pounds or</p> <p>200 -- 2,000 cubic feet or</p> <p>TQ or greater quantity of</p> <p>a RS if less than 500 pounds</p> <p>And no more than one hazardous material handled</p>	\$140 <u>180</u> .00
II	<p>Minor Handler</p> <p>55 -- 500 gallons or</p> <p>500 -- 5,000 pounds or</p> <p>200 -- 2,000 cubic feet or</p> <p>TQ or greater quantity of</p> <p>a RS if less than 500 pounds</p> <p>And more than one hazardous material handled</p>	208 <u>261</u> .00

Fee Group	Total Quantity of Hazardous Materials Handled at Any One Time During the Reporting Year	Annual Fee
III	Moderate Handler 501 -- 2,750 gallons or 5,001 -- 25,000 pounds or 2,001 -- 10,000 cubic feet	271 <u>336</u> .00
IV	Major Handler 2,751 -- 50,000 gallons or 25,001 -- 500,000 pounds or 10,001 -- 200,000 cubic feet	380 <u>467</u> .00
V	Major Handler -- Large Volume 50,001 gallons and over or 500,001 pounds and over or 200,001 cubic feet and over	529 <u>671</u> .00

Fee Group	Total Quantity of Hazardous Materials Handled at Any One Time During the Reporting Year	Annual Fee
VI	Major Handler – Complex 175,001 gallons and over or 700,001 pounds and over or 250,001 cubic feet and over or A total quantity of two or more hazardous materials when expressed in or converted to pounds that equals 500,000 pounds or greater; AND Which is either a refinery, chemical plant, distillery, bulk plant, or terminal as defined herein.	868 <u>1,057</u> .00

. . .

SECTION 24. Section 12.64.045 is hereby amended to read as follows:

12.64.045 Reinspection fees to be paid by handlers of hazardous materials.

Every hazardous materials handler or any business with a covered process that has been issued a notice of violation pursuant to Section 12.64.010 J of this chapter

and has failed to correct the violations or deviations by the correction date as set forth in the notice of violation may be charged a reinspection fee for each reinspection required to verify compliance with the notice of violation. Beginning in fiscal year ~~1999~~2005-2006, the reinspection fee shall be ~~\$215~~\$285.00.

SECTION 25. Section 12.64.050 is hereby amended to read as follows:

12.64.050 Additional fees -- Regulated substances.

A. Every business with a covered process shall in addition to the fee specified in Section 12.64.040, be required to pay an annual RS fee to the forester and fire warden for the administration and enforcement of RS registration, risk assessment, and risk mitigation in accordance with compliance under the Act. ~~This fee shall be calculated as follows:~~

$$\text{RS Fee} = \text{Rate Factor} \times \text{Stationary Source Risk Units}$$

Where:

~~The county rate factor shall be calculated as the county RMP program cost (the cost base for which is defined in Section 12.64.070), minus the RMP review fees divided by the total county risk units.~~

$$\text{Rate Factor} = \frac{\text{County RMP Program Cost} - \text{RMP Review Fees}}{\text{Total County Risk Units}}$$

Where:

~~The total county risk units is determined by adding together the total risk units for each stationary source in the county.~~

And:

~~The total risk units for each stationary source are determined by adding together the risk units for each RS handled by that stationary source and adjusting this sum in accordance with the following schedule:~~

~~Risk Unit (RU) Range Adjusted Risk Units~~

~~>0 and <= 10 10 plus 2 times the number of Risk Units~~

~~>10 and <= 100 30 plus the number of Risk Units over 10~~

~~>100 and <= 1000 120 plus ½ of the Risk Units over 100~~

~~>1000 570 plus ¼ of the Risk Units over 1000 up
to a maximum of 1000 Adjusted Risk Units.~~

~~And:~~

~~The number of risk units for each RS handled by each stationary source is equal to the total reported daily maximum quantity in pounds divided by the assigned TQ or administering agency specified lower quantity for that RS.~~

~~B. RMP Review Fee. Every business required to prepare and submit a risk management plan pursuant to Section 25534 of the Act or Section 68.150 of Title 40 of the Code of Federal Regulations, will be assessed an RMP review fee, based upon the hourly personnel costs, as approved by the county auditor controller, to recover the costs incurred by the forester and fire warden to review the RMP and ensure the requirements of the Act for that business have been met.~~

~~C. RMP Revision Fee. When a business undertakes an RMP revision which requires an audit or review by the forester and fire warden, an hourly charge will be assessed. This charge shall be based upon the hourly personnel costs incurred by the forester and fire warden as approved by the county auditor controller.~~

~~Beginning in fiscal year 2000-2001, the hourly rates for RMP review fees, and RMP revisions fees shall be \$87.19.~~

B. Beginning with the 2005-2006 fiscal year, the annual fee for the issuance of a unified program facility permit for a stationary source, required to be paid to the forester and fire warden by every person, business, or business concern handling, storing, or using a regulated substance above threshold quantities (RS fee) shall be as follows:

<u>Fee Group</u>	<u>Risk Unit Range</u>	<u>Annual Fee</u>
<u>I</u>	<u>>0 and <5</u>	<u>\$339.00</u>
<u>II</u>	<u>=>5 and <15</u>	<u>595.00</u>
<u>III</u>	<u>=>15 and <50</u>	<u>1,070.00</u>
<u>IV</u>	<u>=>50 and <100</u>	<u>2,046.00</u>
<u>V</u>	<u>=>100 and <250</u>	<u>3,459.00</u>
<u>VI</u>	<u>=>250 and <500</u>	<u>5,579.00</u>
<u>VII</u>	<u>=>500 and <1,000</u>	<u>10,100.00</u>
<u>VIII</u>	<u>=>1,000 and <3,000</u>	<u>15,427.00</u>
<u>IX</u>	<u>=>3,000 and <10,000</u>	<u>20,587.00</u>
<u>X</u>	<u>=>10,000</u>	<u>25,734.00</u>

Where:

The total risk units for each regulated substance are determined by dividing the reported daily maximum quantity in pounds by the threshold quantity for that regulated substance and the total risk units for each stationary source are determined by adding together the risk units determined for each regulated substance at that stationary source.

C. ____ Any third party technical review required by the forester and fire warden shall be a cost paid by the stationary source.

D. ____ RS fees may be adjusted annually by the Board of Supervisors to recover the annualized cost to the forester and fire warden to administer the California Accidental Release Prevention program, where the annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the California Accidental Release Prevention program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller.

Exemption:

Any person, business, or business concern which conducts, exclusively for charitable purposes, an activity for which a fee is required under this chapter and from which no person benefits through the distribution of profits, payment of excessive charges or compensation, or the more advantageous pursuit of their business or profession shall not be charged any fee. Facts supporting entitlement to such exemption from a fee requirement shall be shown by affidavit filed with the forester and fire warden.

Any person, business, or business concern which conducts an activity for which a fee is required to be paid by this chapter shall be deemed to qualify for a fee exemption if it complies with Section 214 of the California Revenue and Taxation Code as now and hereafter amended.

SECTION 26. Section 12.64.055 is hereby amended to read as follows:

12.64.055 Period to which fees apply.

A.——The annual fees required by Sections 12.64.040 and 12.64.050 A are based upon the information contained in the most recent required submission of the inventory of hazardous materials or RS registration on file with the forester and fire warden at the time the fees are determined. The quantity reported is considered to be current inventory or potential inventory unless amended as required pursuant to Section 25505(c) of the Act. There are no provisions for partial year fees or refund of fees.

~~B.——The RMP preparation fee required by Section 12.64.050 B is based upon the selection of a stationary source to develop and submit a risk management plan in accordance with the requirements of the Act and shall be billed, collected and accounted for in accordance with the requirements of the county treasurer-tax collector and the county auditor-controller.~~

~~C.——The fees required by Sections 12.64.050 C through 12.64.050 E are based upon the personnel hours expended by the forester and fire warden to review, audit, or inspect stationary sources which are developing or have developed a risk~~

~~management plan and to ensure the requirements of the Act have been met. These fees shall be periodically billed, collected and accounted for in accordance with the requirements of the county treasurer tax collector and the county auditor-controller.~~

SECTION 27. Section 12.64.060 is hereby amended to read as follows:

12.64.060 Late submission fee.

A late submission fee shall apply to the filing requirements of both the business plan and inventory and to the RS registration requirements as follows:

Each handler failing to submit the required hazardous materials business plan or inventory documents and each stationary source failing to submit the required RS reporting documents in accordance with the established due date and reporting requirements of the administering agency as specified in Section 12.64.030 shall be levied a late submission fee commensurate to the additional administrative costs as determined by the administering agency and approved by the county auditor-controller. The date of submission is determined by the postmark date if mailed or the date received if hand carried. The late submission fee shall be ~~\$230~~285.00.

SECTION 28. Section 12.64.065 is hereby amended to read as follows:

12.64.065 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.64.040 through 12.64.060 of this chapter is not paid prior to the 31st day after the date of the first invoice

requesting payment of the fee, in addition to such fee, the handler shall pay a penalty equal to ~~25~~40 percent of the total assessed fee(s). Date of payment is determined by postmark date.

[HazFeesEYCC]